

sity, demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and it is so suspended and that this act be in force and effect from and after its passage, and it is so enacted.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, June 11, 1920.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President pro tem, A. C. Buchanan.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bledsoe.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Cousins.	Parr.
Davidson.	Rector.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Caldwell.	Smith.
Clark.	Strickland.

Absent—Excused.

Carlock.	Gibson.
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Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Executive Session Changed.

On motion of Senator McNealus the Executive Session was changed from 11 o'clock Saturday to 11 o'clock Monday morning.

Petitions and Memorials.

See Appendix.

20—Senate.

Committee Reports.

See Appendix.

Messages from the Governor.

A messenger from the Governor presented herself at the bar of the Senate with the following executive messages:

Governor's Office.

Austin, Texas, June 10, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: I transmit herewith below for your information, telegram I have just received from Hon. E. T. Meredith, Secretary, U. S. Department of Agriculture, Washington, D. C.

"I have read the letters of the Chairman of the Federal Horticultural Board presented in identical form on May 31 to you, to the Chairman of the joint Committee and to the presiding officers of the Senate and House of the Texas Legislature and I feel that I ought to say to you that this letter meets with my unqualified approval. The Department is still strongly of the opinion that unless provision is made for regional noncotton zones the State of Texas will lose this only opportunity to effect the complete extermination of the pink bollworm. At the same time the letter of the Federal Horticultural Board in my judgment clearly sets forth the minimum conditions under which continuation of the efforts of the Department to eradicate the pink bollworm from Texas will be possible entirely aside from the question of declaring noncotton zones to cover the infested areas. If these conditions are not met with the Department will be compelled to withdraw its forces engaged in eradication work in Texas to treat the entire state as a unit and to proceed with the issuance of the quarantine discussed at the hearing on April six in order to protect the other cotton growing states."

Respectfully submitted.

W. P. HOBBY.

Governor.

Governor's Office.

Austin, Texas, June 10, 1920.

To the Thirty-sixth Legislature in Third Called Session.

May I direct your attention to the

urgent need for amending the law to eradicate the cattle tick which has proven so disastrous to the cattle industry of Texas. Deficiencies in this law have become apparent because of the recent decision of the Court of Criminal Appeals. In order that the good work accomplished may not be lost, and in order that the cattle industry in Texas may have continued protection, I feel that the subject calls for remedial legislation and for such action as it is deemed wise to take, before the adjournment of your body.

Respectfully submitted,

W. P. HOBBY,
Governor.

Bills and Resolutions.

Senator McNealus sent up the following simple resolution:

Simple Resolution No. 15.

Resolved, That a special committee of three Senators, consisting of Witt, Hall and Strickland, be appointed to investigate and report to the Senate, and furnish a copy of such report to the Governor of Texas, on the necessity or non-necessity of the sending of State troops to Galveston, because of the existence of the strike of dock workers in that city; the necessary expenses of such investigation to be paid out of the contingent expense fund of the Senate.

The resolution was read.

Senator Dean moved to refer the resolution to the Committee on Military Affairs.

On the motion of Senator Page, the resolution was tabled.

House Bill No. 64.

On the request of Senator Dudley, House Bill No. 64 was taken up out of its order and the votes by which Senate Bill No. 64 was finally passed and passed to engrossment, were rescinded, and the bill was laid on the table subject to call, by unanimous consent.

Senate Bill No. 68.

The Chair laid before the Senate, pending under a special order, Senate Bill No. 68.

The reading of the bill by sections continued.

Senator Dayton sent up the following amendment to Section 5, Senate Bill No. 68:

Amend Senate Bill No. 68, line 20, page 11, printed bill, change word "in" to word "upon".

The amendment was read and adopted.

Senator Rector sent up the following amendment to Section 5, of Senate Bill No. 68:

Amend Section 5, by deleting after the word "product" in line 6, page 11, all that follows to the word "worm" in line 13, and inserting in lieu thereof the following:

"The judge to whom such application for injunction is presented, shall, if practicable, set a time within five days for a hearing of such application, and the Secretary of Agriculture, shall be duly notified, by mail, or by personal service, of the time and place set for such hearing. And the judge, hearing same, shall in his discretion grant or refuse the temporary injunction prayed for, but the case shall remain on the docket for final hearing. When reached on the docket at a regular term of his court, or the same should be advanced on the docket and given preference over private litigation and in the trial of said cause may be included, not only the question as to the value of the property proposed to be destroyed, but also the question as to the existence of the bollworm in the cotton to be destroyed, and also the further question as to the extent of that infestation, and as to whether or not it is a public menace to the cotton growing interests of the State of Texas, under all the facts and circumstances of the particular case, also the further question as to whether or not that menace, if it exists, can be removed by the quarantine regulations, controlling ginning, crushing, shopping and marketing cotton and cotton seed from quarantine districts.—From the verdict, and judgment of the court an appeal may be taken by either party to the higher courts, as in other cases, provided that such cases shall have precedence on appeal and provided also that the Commissioner of Agriculture may, if he deems it necessary for the protection and safety of the cotton growing interests of Texas, pay to the cotton

owner or deposit to his credit in bank the value of the cotton as found by the verdict and proceed at once to destroy the same."

"But should no contest or injunction suit be entered in the courts by the parties whose cotton and cotton products have been ordered to be destroyed, then"

The amendment was read.

Senator Witt moved to table the amendment and the motion prevailed.

Senator Dayton sent up the following amendment to Section 6 of Senate Bill No. 68:

In line 18, page 12, printed bill, by changing word "thirty" to word "ten."

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 6:

Amend Senate Bill No. 68, page 11, by striking out lines 14 to period in line 22, and insert in lieu thereof the following:

"The owners and those having liens on cotton and cotton products destroyed shall be paid the value of the property destroyed, such value to be determined by a Board of Appraisers as hereinafter provided."

The amendment was read and adopted.

On the motion of Senator Dayton the vote by which the amendment was adopted was rescinded.

Senator Witt moved the adoption of the amendment, and the amendment was adopted by the following vote:

Yeas—21.

Bledsoe.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Clark.	Parr.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.
Hertzberg.	

Nays—5.

Caldwell.	Dudley.
Davidson.	Rector.
Dayton.	

Present—Not Voting.

Alderdice.

Absent.

Bailey.

Smith.

Absent—Excused.

Carlock.

Gibson.

Senator Witt sent up the following amendment to Section 6:

Amend Senate Bill 68, page 11, line 23, by adding after the word "value" the following words "at the time of destruction."

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 6:

Amend Senate Bill 68, page 11, lines 27 to 30, by striking out the words beginning with "and such consequential damages" and ending with "during the season," line 30.

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 6:

Amend Senate Bill 68, pages 11 and 12, by striking out the words "in the" in line 30 after the period and all of lines 31 and 32 and lines 1 to 7, page 12.

The amendment was read and adopted.

Bill Signed.

After its caption had been read, the Chair signed in the presence of the Senate House Bill No. 13.

Senate Bill No. 68.

Senator Page sent up the following amendment to Section 6:

Amend the bill page 11, line 4 by striking out the following language: "County in which the lands and premises are located" and inserting in lieu thereof the following "The District Court of Travis County, Texas."

The amendment was read and adopted.

Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, June 11, 1920.

Hon. W. A. Johnson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 67, A bill to be entitled "An Act making appropriation to pay transportation, subsistence and all other expenses of military forces of the State duty, and declaring an emergency" with amendment.

Respectfully submitted,

NOEL K. BROWN,
Chief Clerk, House of Representatives.

Senate Bill No. 68.

Senator Witt sent up the following amendment to Section 7:

Amend Senate Bill 68, page 12, by adding to Section 7 before the words "the said appraisers" in line 22, the following:

"When cotton or cotton products are ordered destroyed as herein provided the Governor shall appoint a board of three disinterested citizens no one of whom shall have for a period of three years prior to his appointment been a resident of any county in which any property destroyed or to be destroyed is situated or any county adjoining the same which board shall be known as "board of appraisers."

The amendment was read.

Senate Bill No. 67.

Senator Dean made a privileged motion that the Senate concur in the House amendments to Senate Bill No. 67:

House Amendments to Senate Bill No. 67.

Amend Senate Bill No. 67 by adding to Section 1 the following words: "This appropriation is for the period ending August 31, 1921."

Amend S. B. No. 67 by striking out the words "August 31, 1921," and insert in lieu thereof the following:

"This appropriation shall expire or lapse into the Treasury February 1st, 1921."

The motion was adopted by the following vote:

Yeas—26.

Alderdice.	Clark.
Bailey.	Davidson.
Bledsoe.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Dorough.
Caldwell.	Dudley.

Faust.
Floyd.
Hall.
Hertzberg.
Hopkins.
Page.
Parr.

Rector.
Strickland.
Suter.
Westbrook.
Williford.
Witt.
Woods.

Nays—1.

McNealus.

Absent.

Cousins.

Smith.

Absent—Excused.

Carlock.

Gibson.

Recess.

On the motion of Senator McNealus the Senate stood recessed until 2:30 p. m. this afternoon.

Afternoon Session.

The Senate was called to order at 2:30 p. m., by President Pro Tem A. C. Buchanan, pursuant to recess.

Senate Bill No. 68.

Senator Woods sent up the following substitute to Senator Witt's amendment:

Amend Senate Bill No. 68 as follows:

Insert in line 22 on page 12 of the bill at the beginning of Section 7 and just preceding the words "the said appraisers" the following words:

"When cotton or cotton products are ordered to be destroyed as herein provided, a board of appraisers shall be appointed to determine the value of the cotton or cotton products. Said board of appraisers shall consist of three disinterested persons, one of whom shall be appointed by the Governor of the State, one shall be appointed by the Commissioner of Agriculture of the State and one shall be appointed by the county judge of the county wherein the property is located, such board to be appointed on notification by the Commissioner of Agriculture to the Governor and to the county judge of the necessity for such appointment. Said board of appraisers shall appraise and determine the value of

such cotton and cotton products. The members of said board shall be compensated for their services and expenses incurred in an amount not to exceed Five Dollars per day for each day of service, and the actual expenses, as hereinbefore provided for citizens appointed to accompany inspectors, as set out in Section IV hereof.

The substitute was read and adopted.

On the motion of Senator Woods, the amendment as substituted was adopted.

Senator Suiter sent up the following amendment to Sec. 7:

Amend S. B. No. 68, page 13, by striking out the words "as citations are served by publication" and insert in lieu thereof the following: "By publication in a newspaper published in the county where the hearing is to be held, for one time."

And strike out in lines 17 and 18 the words "by publication in the same manner as provided for in the service of citations in civil cases" and insert in lieu thereof the following: "By publication in some newspaper in the county where the hearing is to be held for one time."

The amendment was read and adopted.

Senator Witt sent up the following amendment to Sec. 7:

Amend S. B. No. 68 by adding after amendment No. 28 the following words:

"A majority of said board of appraisers shall be authorized to act."

The amendment was read and adopted.

Senator Page sent up the following amendment to Sec. 9:

Amend the bill, page 14, line nine, by inserting after the word "clerk," the following: "Of Travis County, Texas"; and amend the bill further page 14, line 10, by inserting after the word "court" the following: "Of Travis County, Texas"; and amend the bill further, page 14, line 12, by inserting after the word "Court" the following: "Of Travis County, Texas"; and amend the bill further, page 14, line 13, by striking out the following language: "the county"; and inserting in lieu thereof the following: "Travis County, Texas".

The amendment was read. The yeas and nays were demanded and

the amendment was adopted by the following vote:

Yeas—16.

Alderdice.	Dudley.
Bledsoe.	Hall.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Strickland.
Caldwell.	Suiter.
Dayton.	Westbrook.
Dean.	Witt.
Dorough.	Woods.

Nays—7.

Bailey.	McNealus.
Cousins.	Parr.
Davidson.	Rector.
Faust.	

Absent.

Floyd.	Smith.
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Absent—Excused.

Carlock.	Gibson.
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(Pairs Recorded)

Hopkins (present), who would vote "yea"; Clark (absent), who would vote "nay".

Williford, (present) who would vote "nay"; Hertzberg (absent), who would vote "yea".

Senator Witt sent up the following amendment:

Amend Senate Bill 68, page 13, line 32, by striking out all of line 32 and by striking out all of lines 1 to 15, inclusive, page 14, and insert in lieu thereof the following:

"Commissioner of Agriculture, who shall approve same and a warrant shall be drawn therefor by the Comptroller on the State Treasury, unless appeal is taken therefrom by a dissatisfied claimant as hereafter provided."

The amendment was read.

Bills Signed.

After their captions had been read the Chair signed in the presence of the Senate the following bills:

S. B. No. 67; S. C. R. No. 7, S. C. R. No. 5.

Senate Bill No. 68.

Senator Witt moved the adoption of the amendment and it was adopted.

Senator Dayton sent up the following amendment to Sec. 10:

Amend S. B. No. 68, line 28, page 13, printed bill, by striking out word "in" and insert in lieu thereof the word "docket".

The amendment was read and adopted.

Senator Dayton sent up the following amendment to Sec. 10:

Amend S. B. No. 68, line 9, page 14, by striking out "docet" and insert in lieu thereof the word "docket".

The amendment was read and adopted.

Senator Cousins sent up the following amendment to Sec. 10:

Amend S. B. No. 68, Sec. 10, line 17, by striking out the word "ten" and inserting the word "30".

The amendment was read and adopted.

Senator Dorrough sent up the following amendment to Sec. 11:

Amend the bill, Sec. 12, page 15, line 1, by changing the comma to a period and strike out the remainder of said line and all of line 2, 3, and 4.

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 12:

Amend Senate Bill 68, pages 14 and 15, by striking out Sections 10, 11, and 12 and insert the following section:

"If any claimant should be dissatisfied with award of the appraisers he shall give written notice to the Commissioner of Agriculture within 10 days after the making of such award to that effect, whereupon he shall have the right to bring an action in the proper court of Travis County against the State of Texas for his damages, and in all just cases the right of contest and appeal shall exist to both parties to the litigation and the final judgment shall be certified to the Commissioner of Agriculture whose duty it will be to approve the same and a warrant be drawn therefor by the Comptroller on the State Treasurer.

When such appeal shall be made to the courts the claimant making same shall give security for court costs, and such costs shall be taxed against said claimant unless he shall recover more than allowed him by the board of appraisers, in which event the State of Texas shall pay such costs.

The amendment was read.

Senator Cousins moved to table the amendment. The motion to table was lost.

On the motion of Senator Witt, the amendment was adopted.

Senator Witt sent up the following amendment to Section 13:

Amend Senate Bill 68 by striking out Section 13 and re-numbering the following sections of the bill.

The amendment was read and adopted.

Senator Cousins sent up the following amendment to Section 15:

Amend Senate Bill No. 68, Section 15, page 16, line 22, by inserting after the semi-colon following the word "same," the following words: "Provided that the expense for such cleanup work be borne by the State."

The amendment was read.

On the motion of Senator Dean, the amendment was tabled by the following vote:

Yeas—17.

Alderdice.	Hertzberg.
Bledsoe.	Page.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Strickland.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Witt.
Dorough.	Woods.
Floyd.	

Nays—8.

Bailey.	Hall.
Cousins.	McNealus.
Dudley.	Parr.
Faust.	Williford.

Absent.

Caldwell.	Smith.
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Absent—Excused.

Carlock.	Gibson.
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(Pair Recorded)

Senator Hopkins (present) who would vote "yea"; Senator Clark (absent) who would vote "nay."

Senator Page sent up the following amendment to Section 16:

Amend the bill by striking out all of Section 16 after the period in line 15

The amendment was read.

Senator Rector sent up the following substitute for the amendment:

Amend Section 16 by adding thereto the following:

"Provided that the growing of cotton for a succeeding year shall not be prohibited in any field, in which the owner has complied with the requirements of Section 15 of this Act as to cleaning up, plowing, etc., and the provisions of this Section shall not apply to such field."

The substitute was read.

On the motion of Senator Page, the substitute was tabled.

Senator Cousins moved to table the amendment, which motion was lost by the following vote:

Yeas—10.

Caldwell.	Hall.
Cousins.	McNealus.
Davidson.	Parr.
Dudley.	Rector.
Faust.	Williford.

Nays—16.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Bledsoe.	Page.
Buchanan of Bell.	Strickland.
Buchanan of Scurry.	Suiter.
Dayton.	Westbrook.
Dean.	Witt.
Dorough.	Woods.

Absent.

Smith.

Absent—Excused.

Carlock.

Gibson.

(Pair Recorded)

Senator Hopkins (present) who would vote "nay"; Senator Clark (absent) who would vote "yea."

On the motion of Senator Page, the amendment was adopted.

Senator Hall sent up the following amendment to Section 16:

Amend Senate Bill 68, page 17, line 10 by adding after the word "bollworm" the following: "to such a degree as to be a menace to the succeeding years crop."

The amendment was read and defeated by the following vote:

Yeas—9.

Caldwell.	Hertzberg.
Cousins.	McNealus.
Davidson.	Parr.
Faust.	Rector.
Hall.	

Nays—17.

Alderdice.	Bledsoe.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Page.	

Absent.

Smith.

Absent—Excused.

Carlock.

Gibson.

(Pair Recorded)

Senator Hopkins (present) who would vote "nay"; Senator Clark (absent) who would vote "yea."

Senator Witt sent up the following amendment to Section 16:

Amend Senate Bill 68, page 17, lines 10 and 11, by striking out the following language: "and is destroyed and paid for under the provisions of this Act."

The amendment was read.

Senator Buchanan of Scurry sent up the following amendment to the pending amendment:

Amend the amendment by striking out the last words of the amendment as follows: "under the provisions of this Act."

The amendment to the amendment was read and adopted.

On the motion of Senator Witt the amendment as amended was adopted.

Senator Dayton sent up the following amendment to Section 18:

In line 19, page 18, printed bill, strike out the word "may" and insert the word "shall."

The amendment was read:

On the motion of Senator Dayton to adopt the amendment, the yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—13.

Alderdice.	Hertzberg.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Rector.
Dayton.	Williford.
Dean.	Witt.
Dorough.	Woods.
Dudley.	

Nays—12.

Bailey.	Davidson.
Bledsoe.	Faust.
Caldwell.	Floyd.
Cousins.	Hall.

McNealus.
Parr.

Suiter.
Westbrook.

Absent.

Smith.

Strickland.

Absent—Excused.

Carlock.

Gibson.

(Pair Recorded)

Senator Hopkins (present) who would vote "yea"; Senator Clark (absent) who would vote "nay."

Senator Cousins sent up the following amendment to Section 17:

Amend Senate Bill No. 68, Section 17, page 18, line 2, by placing a comma instead of the semi-colon after the word "territory," and adding the following words: "without having first been inspected and found by such inspection not to be infested with the pink bollworm, and it shall be the duty of the Secretary of Agriculture to inspect such cotton products when requested to do so by the owner or his agent."

The amendment was read and adopted.

Senator Page sent up the following amendment to Section 20 of Senate Bill No. 68:

Amend the bill, page 19, line 29, by striking out the following language: "of the county where the land is located", and insert in lieu thereof the following: "Travis County".

The amendment was read and adopted.

Senator Dayton sent up the following amendment to Section 21:

Amend the bill on page 20, printed bill, strike out lines 1, 2, and 3, down to comma, after word "Dollars", and insert in lieu thereof the following:

"Which may become due under this act, there is hereby appropriated out of any funds in treasury not otherwise appropriated, the sum of seven hundred and fifty thousand dollars, five hundred thousand dollars, or so much thereof as may be necessary, to reimburse the growers, as provided in this act, two hundred fifty thousand dollars to be used by Commissioner of Agriculture in enforcement of this act."

The amendment was read.

Senator Hall sent up the following substitute for the amendment:

Amend Senate Bill No. 68 by striking out the words and figures "one million (\$1,000,000.00)" on page

20, line 3, and inserting in lieu thereof the following: "Five Hundred (\$500.00) Dollars".

The substitute of Senator Hall was read.

Senator Dayton moved to table the substitute.

The yeas and nays were demanded and the substitute was tabled by the following vote:

Yeas—20.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Bledsoe.	Page.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Strickland.
Caldwell.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Nays—6.

Cousins.	Hall.
Davidson.	McNealus.
Faust.	Parr.

Absent.

Smith.

Absent—Excused.

Carlock.

Gibson.

(Pair Recorded)

Senator Hopkins (present), who would vote "yea"; Senator Clark (absent), who would vote "nay".

Senator Page sent up an amendment to the pending amendment:

Amend the amendment by striking out the figures "750,000.00" and insert in lieu thereof, "\$250,000.00".

Amend the bill further by striking out "\$500,000.00", and insert in lieu thereof the figures "\$175,000.00".

Amend the amendment further by striking out the figures "\$250,000.00", and insert in lieu thereof the figures "\$75,000.00".

The amendment to the amendment was read.

Senator Hopkins sent up the following substitute for the amendment pending and the amendment thereto:

Amend Senate Bill No. 68, page 20, by striking out lines 3 and 4 and by inserting in lieu thereof the following:

"Of the Five hundred thousand (\$500,000) Dollars which shall be available and shall continue avail-

able until August 31st, A. D. 1921, and provided that not more than One Hundred Thousand (\$100,000) Dollars of such fund shall be used in the administration thereof."

The substitute was read.

The yeas and nays were demanded on the substitute, and the substitute was lost by the following vote.

Yeas—9.

Alderdice.	Dayton.
Bledsoe.	Dorough.
Buchanan of Bell.	Witt.
Buchanan of Scurry.	Woods.
Caldwell.	

Nays—16.

Bailey.	McNealus.
Cousins.	Page.
Davidson.	Parr.
Dean.	Rector.
Dudley.	Strickland.
Faust.	Suiter.
Hall.	Westbrook.
Hertzberg.	Williford.

Absent.

Floyd.	Smith.
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Absent—Excused.

Carlock.	Gibson.
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(Pair Recorded)

Senator Hopkins (present) who would vote "yea"; Senator Clark (absent), who would vote "nay".

The question was on the amendment of Senator Page to the amendment of Senator Dayton.

The amendment to the amendment was adopted.

On the motion of Senator Page, the amendment as amended was adopted.

Senator Suiter sent up the following amendment:

Amend Senate Bill No. 68, page 16, line 16, by changing the period after the word "infestation" to a semicolon and insert thereafter the following: "Provided that if the Pink Bollworm Commission shall find that the infestation is so prevalent as that the cotton fields surrounding the cotton fields found infested, are likely infested, by said pink bollworm, the said commission shall state fully in its said report the amount and extent to which said cotton is infested and the distance around such field in which in the

opinion of said commission it is necessary to destroy the growing cotton in order to prevent the spread of such pest, and the Governor may direct the destruction of the cotton in the surrounding fields, but no field of cotton located more than two miles from such infested field shall be destroyed."

The amendment was read.

Senator Suiter moved the adoption of the amendment.

The yeas and nays were demanded and the amendment was adopted by the following vote:

Yeas—14.

Alderdice.	Dorough.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Suiter.
Buchanan of Scurry.	Westbrook.
Caldwell.	Williford.
Dayton.	Witt.
Dean.	Woods.

Nays—11.

Bailey.	Hall.
Cousins.	McNealus.
Davidson.	Parr.
Dudley.	Rector.
Faust.	Strickland.
Floyd.	

Absent.

Page.	Smith.
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Absent—Excused.

Carlock.	Gibson.
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(Pair Recorded)

Senator Hopkins (present), who would vote "yea"; Senator Clark (absent), who would vote "nay".

Senator Dayton called for the consideration of the pending amendment on the table subject to call.

Pending amendment by Senator Dayton:

Amend Senate Bill No. 68 by inserting between Sections 2 and 3, the two following sections to be numbers 3 and 4, and renumbering the remaining sections, commencing with Section 3 of the bill as number 5.

"Section 3. There is hereby created a zone along the boundary between the State of Texas and the Republic of Mexico, comprising the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo and Cameron, and that part of Dimmitt County south of a line drawn diagonally across the coun-

ty from the northwest corner of the county where it joins Zavalla and Maverick counties to the southeast corner of the said Dimmitt County on the line of LaSalle County, for the purpose of aiding in the prevention of the introduction into this State of the cotton pest *Pectinophora gossypiella* Saunders, hereinafter referred to as the pink bollworm.

Section 4. It shall be the duty of the Commissioner of Agriculture of this State to maintain a rigid inspection of the cotton fields, and of the cotton and cotton products in the zone provided for in Section 3 of this Act, in such manner as to determine the presence of pink bollworm in all stages of development, and whenever the pest is discovered in such zone the Commissioner shall certify that fact to the Governor of the State, who shall immediately proclaim a quarantine of such territory in the zone, and such territory adjacent thereto, as may be deemed necessary to prevent further advance of the pest into Texas; and thereafter it shall be unlawful for any person or persons to transport cotton, or cotton products of any kind from any territory within the counties in such zone, or the territory adjacent thereto embraced in such quarantine proclamation, through or to any other part of the State of Texas, or transport any car or vehicle or freight or other article contaminated with cotton seed, or other products of cotton capable of carrying the pink bollworm in any of its stages from the counties embraced in such zone through or to any other point in Texas, unless and until it shall have been freed from cotton seed or other cotton products and shall have been properly fumigated or disinfected in such manner as the Commissioner of Agriculture of this State shall direct. Any and all such fumigation or disinfection and the cost of such protective measures against the spread of the pink bollworm shall be paid by the owners of the cotton or cotton products, or of the car, vehicle, freight, or other article used for such transportation of cotton or its products."

Amend Section 16 so as to read as follows:

"Section 16. When cotton grown in a field or fields is found infested with the pink bollworm and is destroyed and paid for under the provisions of this Act, the Commissioner of Agriculture may direct the Pink Bollworm Commission to conduct an inquiry into the fact of infestation on or before

the first day of January of the succeeding year with a view to determining whether or not the conditions of menace to the cotton industry has been effectively abated by the act of destruction of such cotton or cotton products. Upon the receipt of their report it shall be the duty of the Commissioner of Agriculture to notify the Governor of the results of said investigation, who may issue his proclamation prohibiting the growing of cotton on such field or fields for such succeeding year, if deemed necessary. Provided, that in the event the owner shall be compensated by the State of Texas for the damage accruing to such owner by reason of such prohibition upon the basis of the difference between the profits accruing to the owner from crops other than cotton raised on such field or fields and the profits that might reasonably, under all of the circumstances surrounding the particular case have accrued to the owner if cotton had been grown on said field or fields. In the event the Governor and the Commissioner of Agriculture of this State can not agree with the owner of such field or fields on the amount of compensation, then exactly the same procedure shall be resorted to as is prescribed in this Act for the determination of the amount of compensation in the case of the destruction of cotton growing in a field or fields and the same method of payment shall apply."

On the motion of Senator Dayton, Sections 3 and 4 were adopted.

The amendment to Section 16, above, was withdrawn by unanimous consent.

Senator Dayton sent up the following amendment:

Amend Senate Bill No. 68, by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

To be entitled

An Act amending Chapter 41, General Laws of the Regular Session of the Thirty-sixth Legislature, which Act was approved March 10th, 1919, and this Act declares the Pink Bollworm (*Pectinophora gossypiella*) a dangerously injurious insect pest and a public nuisance; and its eradication and destruction a public necessity, and providing a method by which such pests may be eradicated, destroyed and prevented from spreading; authorizing the Commissioner of Agriculture to appoint Pink Bollworm Inspectors to inspect fields of the State, defining their rights and duties and setting forth in

detail the method and manner of inspection; defining the duties of the Commissioner of Agriculture, county judges and other State officers with reference thereto; providing for the creation of a Pink Bollworm Commission and defining its duties; prescribing certain duties for the Governor under this Act and authorizing him to proclaim a quarantine of lands and premises infested by the Pink Bollworm and authorizing the Governor to proclaim a limited quarantine zone; also an emergency quarantine; defining the purposes of each of such quarantines and authorizing the Governor to order the destruction of cotton and cotton products in infested fields and fully defining the method by which each of the aforesaid quarantines is to be brought about and the method by which cotton and cotton products in infested fields are to be destroyed; defining and setting forth the court proceedings with reference to the same; creating a Board of Appraisers and defining their duties; conferring authority upon county judges and county and district courts with reference to the valuation and damage of property to be destroyed; declaring when and how the Commissioner of Agriculture shall be authorized to destroy property from infested fields; providing for regulated quarantine zones now in existence; declaring that cotton cannot be grown in regulated quarantine zones established by the Governor except with compliance of this Act, and defining a clean-up necessary to comply with this Act, and conferring certain authority with reference thereto on the Commissioner of Agriculture; conferring authority upon the Commissioner of Agriculture to recommend the prohibiting of the growing of cotton in an infested field, and conferring certain authority upon the Governor with reference thereto; defining the terms and conditions upon which cotton and cotton products originating in any regulated quarantine zone may be shipped therefrom and conferring certain authority upon the Commissioner of Agriculture with reference thereto; defining what may be done with cotton and cotton seed grown in a regulated quarantine zone; conferring authority upon the University of Texas and the Agricultural and Mechanical College of Texas to institute and continue a system of experiments for the purpose of developing a practical method for the extermination of the pink

bollworm and all insect pests which affect agricultural products; creating offenses for the violation of this Act and prescribing a punishment therefor; making an appropriation for the purposes of this Act; defining certain duties for the Governor, Commissioner of Agriculture, county judges of the State and the Attorney General, and conferring certain authority and jurisdiction upon the county and district courts to be exercised in the enforcement of this Act; repealing all laws and parts of laws in conflict herewith; providing if the courts declare any provision, etc., of this Act unconstitutional, illegal, or inoperative, it shall not effect the remaining provisions, etc. of this bill, and declaring an emergency."

The amendment was read.

Motion to Adjourn.

On the motion of Senator Hopkins to adjourn until 10 o'clock tomorrow morning, the yeas and nays were demanded. The motion prevailed by the following vote:

Yeas—18.

Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Cousins.	Rector.
Davidson.	Suiter.
Dean.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Nays—6.

Bledsoe.	Dorough.
Caldwell.	Hertzberg.
Dayton.	Parr.

Absent.

Alderdice.	Smith.
Clark.	Strickland.
Hall.	

Absent—Excused.

Carlock.	Gibson.
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The Senate stood adjourned until 10 o'clock tomorrow morning.

APPENDIX

Petitions and Memorials.

Senator Hall sent up a communi-

cation concerning a claim against the State for cotton destroyed. The communication was referred to the Committee on Finance.

Senator McNealus sent up a petition from Shreveport.

Senator Cousins sent up a petition from Shreveport.

Committee Reports

Committee Room,
Austin, Texas, June 11, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Town and City Corporations have had under consideration

S. B. No. 98, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters, or attempted to adopt or amend charters since the 13th day of March, 1919, under Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of 1913, and validating all proceedings had by city councils or city commissions, or other governing authorities of such cities, in regard to the adoption of charters or amendments to charters, and conferring upon and delegating to said cities the powers enumerated in any such charters or amendments thereto, and declaring an emergency."

And I am directed by said committee to report said bill back to the Senate with the recommendation that it do pass, and be not printed.

Davidson, Hertzberg, Page, Bailey.

Committee Room,
Austin, Texas, June 11, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education to whom was referred House Bill No. 4 have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed, but be printed in the Journal.

ALDERDICE, Chairman.

By Beard. H. B. No. 4.

A. BILL
to be entitled.

An Act to amend Chapter 14, Section 2781, Revised Civil Statutes of

1911, relating to the salaries of teachers so as to remove the limitations as to the amount to be paid teachers, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2781, Revised Civil Statutes of the State of Texas, 1911, be amended so as to hereafter read as follows:

Article 2781. Trustees in making a contract with a teacher shall determine the salary to be allowed or the wages to be paid. Provided a teacher holding a permanent State certificate shall not receive wages in excess of \$150 per month out of the public free school fund; a teacher holding a first grade certificate shall not receive as wages from the public free school fund more than \$125 per month, and a teacher holding a second grade certificate shall not receive as wages from the public free school fund more than \$100 per month.

Sec. 2. The fact that this is a Called Session of the Legislature and may adjourn at any time, and the further fact that many schools in this State cannot employ efficient teachers, owing to the maximum wage salary provided for teachers, creates an emergency and an imperative public necessity, requiring that the constitutional rule providing that bills be read on three several days in each House be suspended, and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Rider.

Amend the bill by adding at the end of Section 1, the following:

"Provided, however, that the above salaries may be supplemented in taxes levied for school purposes."

Amend the caption to conform to the bill.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas.

Saturday, June 12, 1920.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem A. C. Buchanan.

The roll was called, a quorum be-